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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,298	01/22/2002	Takahiro Komatsu	43890-559	4775
7590	01/15/2004			EXAMINER
MCDERMOTT, WILL & EMERY 600 13th Street, N.W. Washington, DC 20005-3096				SANTIAGO, MARICELI
			ART UNIT	PAPER NUMBER
			2879	

DATE MAILED: 01/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/051,298	KOMATSU ET AL.
Examiner	Art Unit	
Mariceli Santiago	2879	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 08 October 2003.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 1-25 is/are allowed.
- 6) Claim(s) 26 and 27 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 1/22/2002 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All
  - b) Some \*
  - c) None of:
    - 1) Certified copies of the priority documents have been received.
    - 2) Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    - 3) Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
  - a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)           | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____ .                                   |

**DETAILED ACTION*****Response to Amendment***

The Amendment, filed on October 8, 2003, has been entered and acknowledged by the Examiner.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 26 and 27 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 26 recites the limitation "the anode electrode is formed on N-layer electrodes laminated, the layers being insulated from each other, and being formed one on top of the other without any anode electrodes being disposed in between", alternatively, claim 27 recites the limitation "the cathode electrode is formed on N-layer electrodes laminated, the layers being insulated from each other, and being formed one on top of the other without any cathode electrodes being disposed in between", the recitations fail to comply with the written description requirement.

The invention pertains to an organic EL element comprising a signal electrode and a scanning electrode, the **signal** electrode is formed of N-layer electrodes laminated, the layers being insulated from each other, and being formed one on top of the other without any

scanning electrodes being disposed in between. As set forth in the specification, and particularly claims 26 and 27, when the signal electrode is considered as a cathode the scanning electrode is considered as an anode, and vice versa. Accordingly, the recitations in claim 26, “the **anode** electrode is formed on N-layer electrodes laminated, the layers being insulated from each other, and being formed one on top of the other without any **anode** electrodes being disposed in between”, and in claim 27 in which the term “anode” is replaced by “cathode”, do not comply with the written description since laminating or stacking signal electrodes as disclosed requires forming N-layers of signal electrodes between insulating layers and signal electrodes.

#### ***Allowable Subject Matter***

Claims 1-25 are allowed over the prior art of record.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claims 1 and 14, the references of the Prior Art of record fails to teach or suggest the combination of the limitations as set forth in claims 1 and 14, and specifically comprising the limitation of the signal electrode is formed on N-layer electrodes laminated, the layers being insulated from each other, and being formed one on top of the other without any scanning electrodes being disposed in between, wherein a layer M electrode is formed on layer (M-1) via the insulator, an area of layer M electrode being smaller than an area of layer (M-1) electrode.

Regarding claims 2-13 and 22-25, claims 2-13 and 22-25 are allowable for the reasons given in claim 1 because of their dependency status from claim 1.

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Regarding claims 15-18, claims 15-18 are allowable for the reasons given in claim 14 because of their dependency status from claim 14.

Regarding claims 19-21, the references of the Prior Art of record fails to teach or suggest the combination of the limitations as set forth in claims 19-21, and specifically comprising the limitation of the signal electrode is formed on N-layer electrodes laminated, the layers being insulated from each other, wherein a layer M electrode is formed on layer (M-1) via the insulator, an area of layer M electrode being smaller than an area of layer (M-1) electrode, wherein M is an integer not more than integer N and greater than 1, and wherein a difference between an area of layer M electrode and an area of layer (M-1) is approximately 1/N of a whole display area.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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***Other Prior Art Cited***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mariceli Santiago whose telephone number is (571) 272-2464. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel, can be reached on (571) 272-2457. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

MMzg 1/12/04  
Mariceli Santiago  
Patent Examiner  
Art Unit 2879



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